



UNITED STATES PATENT AND TRADEMARK OFFICE

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**MAR 16 2005**

**OFFICE OF PETITIONS**

In re Application of  
English  
Application No. 10/727,139  
Filed: 2 December, 2003  
Attorney Docket No. CDPC-P01-011

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ON PETITION

This is a decision on the petition under ¶(b) of 37 C.F.R. §1.47, filed on 10 February, 2005.

The petition is **DISMISSED as moot.**

**BACKGROUND**

The record indicates:

- this application was filed on 2 December, 2003, without, *inter alia*, an executed oath or declaration by the named inventor;
- accordingly, on 4 March, 2004, the Office mailed a Notice of Missing Parts;
- in response to the Notice of Missing Parts, Petitioner filed the original petition (over a 4 October, 2004, certificate of mailing) on 7 October, 2004 (with a request and fee for a five-(5-) month extension of time and the surcharge) by Petitioner Edward J. Kelley (Reg. No. 38,936)—while Petitioner alleges transmission of the entire application (specification, claims and drawings) to the non-signing inventor Daniel W. English (Mr. English), the petition was dismissed on 21 January, 2005, because Petitioner failed to provide a copy of the transmittal letter in support of the allegation and fails to make and support allegation of rights/interest in

the application and risk of irreparable harm/damage and failed to include a signed oath/declaration executed by an authorized executive of the alleged assignee on behalf of the non-signing inventor;

- it now appears that the oath/declaration has been signed by the inventor.

In view of the joinder of the inventor, further consideration under Rule 1.47 is not necessary and the petition is considered to be moot. This application does not have any Rule 1.47 status and no such status should appear on the file wrapper. This application need not be returned to this Office for any further consideration under Rule 1.47.

#### CONCLUSION

For the foregoing reasons, the instant petition is **dismissed as moot for joinder**.

This application is being released to OIPE for further processing as necessary before being forwarded for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3214.



John J. Gillon, Jr.  
Senior Attorney  
Office of Petitions